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APPLICATION NO.	ER INC DATE	=:50=		<u> </u>			
AFFEIGATION NO.	APPLICATION NO. FILING DATE FIRST NAMI			A	ATTORNEY DOCKET NO.		
09/449,093	11/24/99	HARTAL		D	4118		
001444		IM22/0406		EXAMINER			
BROWDY AND	NEIMARK, P	.L.L.C.		SHERRER.C			
624 NINTH S	TREET, NW			ART UNIT	PAPER NUMBER		
SUITE 300 WASHINGTON	BC 00004 E	000			10		
AALICH TAGA CIN	DC Z0001-2	303		1761	,		
				DATE MAILED:			
					04/06/01		

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No. **09/449,093**

plicant(s)

Hartal et al

Examiner

Curtis E. Sherrer

Group Art Unit 1761



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	a) 💢	expires	3	_ months from	the mailing dat	te of the final	rejection.					
	b) [_	expires eith is later. In rejection.	her three m no event, l	nonths from the however, will the	mailing date of statutory perio	the final reject od for the resp	ction, or on the ponse expire lat	mailing date o er than six mo	of this Advi onths from	sory Action, the date of t	whichever he final	
	date or determ calcula	n which the re nining the peri- nted from the	esponse, the lod of exter date of the	obtained by filir ne petition, and t nsion and the co originally set sh	he fee have be rresponding ar ortened statute	en filed is the mount of the f ory period for	e date of the res ree. Any extens response or as	ponse and als ion fee pursu set forth in b	so the date ant to 37 C) above.	for the purp FR 1.17 will	oses of be	
	Appe perio	llant's Brief d for respo	f is due to nse set f	wo months fr orth above, v	om the date vhichever is	of the Not later). See	ice of Appea 37 CFR 1.1	l filed on 91(d) and :	37 CFR ²	1.192(a).	(or within any	
Ap _i but	olicai is N	nt's respor OT deeme	nse to th d to plac	e final rejecte the application	tion, filed o	on <u><i>Mar 30</i></u> ndition for	0, 2001 allowance:	has be	en cons	idered wi	th the following effe	ct,
X	The p	proposed a	mendme	nt(s):								
		-		filing of a No	otice of Appe	eal and an	Appeal Brief					
	X	vill not be e	ntered b	ecause:								
	X	they raise	e new iss	sues that wo	uld require fo	urther cons	ideration and	d/or search	. (See n	ote below).	
	X	they rais	erthe issi	ue of new ma	atter. (See r	note below)).					
	X	they are issues fo			the applicat	ion in bette	r form for ap	peal by ma	aterially re	educing o	simplifying the	
		they pres	sent addi	itional claims	without can	icelling a co	orresponding	number of	f finally re	ejected cla	aims.	
	N	OTE: <u>See</u>	attache	d.								
	□ <i>F</i>		response	e has overco	me the follow	wing rejecti	on(s):					_
	New sepa	ly propose	d or ame	ended claims nendment ca		non-allowa					wable if submitted in	а
X	for a	allowance b	ecause:	·			618.0			ce the app	lication in condition	
		affidavit or	exhibit v						to issues	which we	re newly raised by the	e
X	For	purposes o	of Appeal	l, the status o	of the claims	is as follow	vs (see attac	hed writter	n explana	tion, if an	y):	
	Clai	ms allowed	i: <u>None</u>									
	Clai	ms rejected	d: <u>1-28</u>					-11.				
										en approve	ed by the Examiner.	
	Note	e the attach	ned Infor	mation Discl	osure Staten	nent(s), PT	O-1449, Pap	er No(s)		//		
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										•	CURTIS E. SHERREI PRIMARY EXAMINER ART UNIT 1761	

Serial Number: 09/449,093

ADVISORY ACTION

Response to After Final Amendment

Applicants proposed amendments remove the phrase "comprising" from claim 1, so as to make it of indefinite scope. The use of the phrase "substantially intact" is potentially indefinite, as is the phrase "red color range." These raise new issues and may require a new search.

Applicants' arguments of 03/30/01 have been reviewed but not found to be persuasive. Specifically, Applicants present arguments that are directed to proposed amendments and because they are not being entered, said arguments are not persuasive. Some of these arguments are of opinion nature and would be best presented in an affidavit or declaratory format. Lastly, several arguments have been previously presented and rebutted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis Sherrer whose telephone number is (703) 308-3847.

The examiner can normally be reached on Tuesday through Friday from 6:30 to 4:30. The fax phone number for this Group is (703)-305-3602.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Curtis E. Sherrer Primary Examiner

April 5, 2001